

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed February 23, 2006. Claims 1-3 and 33-49 were pending in the Application prior to the outstanding Office Action. Claims 4-32 were previously withdrawn. In the Office Action, the Examiner rejected claims 1-3, 33-47, and 49, allowed claim 48. The present Response amends claims 1, 2, 33, 35, and 40, leaving for the Examiner's present consideration of claims 1-3, 33-47 and 49. Reconsideration of the rejections is respectfully requested.

### I. Response to Arguments

The Applicant's argument is respectfully countered by noting that the recitation of storage of the data files locally or remotely is disjunctive. In addition, files are retrievable from a workstation that is remote from the external hard-drive. Therefore, Orita does teach all limitations of claims 1 and 2.

Language of claim 1 and 2 has been amended to focus on data files stored and retrievable remotely.

In Orita, the workstation 10 is only "used as a terminal device" (col. 2, lines 54-55), which allows a user to "perform various data input operations ... to effect the file access with respect to the external storage unit 12" (col. 2, line 56-58). In other words, the workstation in Orita functions only as a user data input and access device to files stored on the storage unit, there is no teaching that the workstation has any storage device, and even if it has, no user files and its related profile information is stored or accessed there. Therefore, Orita does not teach storing and retrieving data files remotely as the present invention does, and it does not teach all limitations of claims 1 and 2.

### II. Response to Amendment

The amendment to the claims filed on 11-25-2005 does not comply with the requirements of 37 CFR 1.121(c) because the renumbering of the claims is improper, the claim listing is incomplete, and the claims do not have the proper status identifiers in all cases.

Claims 4-20 in the previous response have been renumbered back to their original numbering of 33-49 to comply with the requirements of 37 CFR 1.121(c). Previously withdrawn claims 4-32 are also listed.

### **III. Claim Rejections – 35 USC § 112**

Claims 33-47 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “primarily” has been removed from the claim language in independent claims 33, 35, and 40. Since claims 34, 36-39, 41-47, and 49 are dependent on claims 33, 35, and 40, Applicant respectfully requests that the rejection under 35 U.S.C. 112, second paragraph with respect to claims 33-47 and 49 be withdrawn.

### **IV. Claim Rejections – 35 USC § 102**

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orita, 5163,147.

As discussed in the sections above, claim 1 and 2 have been amended to focus on data files stored and retrievable remotely, which Orita cannot anticipate, and Applicant respectfully requests that the rejection with respect to these claims be withdrawn.

### **V. Claim Rejections – 35 USC § 103**

Claim 3 is rejected under 35 USC 103(a) as being unpatentable over Orita as applied to claim 2 above, and Rager 5,412,721.

Since neither Rager nor Orita teaches remote retrieval of files in claim 2 as previously discussed, and claim 3 depends on claim 2, Orita and Rager cannot render claim 3 obvious under 35 U.S.C. § 103(a) for at least this reason. Applicant respectfully requests that the rejection with respect to this claim be withdrawn.

## VI. Allowable Subject Matter

The indicated allowability of claims 33-47 and 49 is withdrawn in view of the further consideration of the claim language and the new rejections of the claims under 35 USC 112 2<sup>nd</sup> Paragraph.

Independent claims 33, 35, and 40. have been amended to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Since claims 34, 36-39, 41-47, and 49 are dependent on claims 33, 35, and 40, Applicant respectfully requests that the rejection with respect to claims 33-47 and 49 be withdrawn.

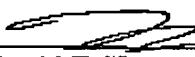
## VII. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 4/25/06

By: 

David T. Xue  
Reg. No. 54,554

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800  
Customer No. 23910